

ESTTA Tracking number: **ESTTA689729**

Filing date: **08/14/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223248
Party	Plaintiff Nu Mark LLC
Correspondence Address	Ann K. Ford DLA Piper LLP (US) 500 Eighth Street NW Washington, DC 20004 UNITED STATES ann.ford@dlapiper.com,john.nading@dlapiper.com,ashley.joyce@dlapiper.com, alberto.zacapa@dlapiper.com,dctrademarks@dlapiper.com
Submission	Other Motions/Papers
Filer's Name	Ashley H. Joyce
Filer's e-mail	ann.ford@dlapiper.com,john.nading@dlapiper.com,ashley.joyce@dlapiper.com, alberto.zacapa@dlapiper.com,dctrademarks@dlapiper.com
Signature	/Ashley H. Joyce/
Date	08/14/2015
Attachments	Notice of Filing - AuMARK.pdf(22238 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark  
Application Serial No. 86/546,481  
Mark: AuMARK (stylized)  
Filing Date: February 26, 2015  
Published for Opposition: July 21, 2015

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NU MARK LLC,

Opposer,

v.

HUA JIAN,

Applicant.

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Opposition No. 91223248

**NOTICE OF FILING**

Opposer Nu Mark LLC (hereinafter “Opposer” or “Nu Mark”) files this Notice of Filing to notify the U.S. Trademark Trial and Appeal Board, Applicant Hua Jian, and any and all relevant or interested parties not yet known to Opposer, that signatures were inadvertently omitted on the signature page and certificate of service from the Notice of Opposition filed on August 11, 2015. Nu Mark filed the Notice of Opposition through the Electronic System for Trademark Trials and Appeals (“ESTTA”), electronically signed the Notice of Opposition and certificate of service through the ESTTA filing process, and served the Notice of Opposition via U.S. First Class Mail, postage prepaid, to Applicant’s attorney on August 11, 2015. *See* 37 C.F.R. § 2.193(c)(1); *Daimler Chrysler Corp. v. Maydak*, 86 U.S.P.Q. 2d 1945, 1946 (T.T.A.B. 2008); *PPG Indus. Inc. v. Guardian Indus. Corp.*, 73 U.S.P.Q. 2d 1926, 1928 (T.T.A.B. 2005) (electronically signed ESTTA form made notice of opposition acceptable although attached pleading was not separately signed). As such, the Notice of Opposition was signed when filed.

For completeness, Nu Mark files the signed signature pages for the Notice of Opposition,  
attached hereto as **Exhibit A**.

Dated: August 14, 2015

Respectfully submitted,

**DLA PIPER LLP (US)**

By: /s/ Ann K. Ford

Ann K. Ford  
Thomas E. Zutic  
John M. Nading  
Ashley H. Joyce  
500 8th Street, N.W.  
Washington, D.C. 20004  
Tel. 202-799-4000  
Fax 202-799-5000

*Attorneys for Opposer Nu Mark LLC*

# **EXHIBIT A**

Please address all correspondence to:

Ann K. Ford, Esq.  
DLA Piper LLP (US)  
500 8th Street, N.W.  
Washington, D.C. 20004  
*dctrademarks@dlapiper.com*

The filing fee for this opposition, in the amount of \$300.00, is hereby electronically transferred with the submission of the Notice of Opposition.

The undersigned, registered agent for Nu Mark herein, states that she is authorized to prosecute this Opposition, that she has read and signed the foregoing Notice of Opposition and knows the contents thereof, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of this Opposition and any decision resulting therefrom.

Dated: August 11, 2015

Respectfully submitted,

**DLA PIPER LLP (US)**

By: /s/ Ann K. Ford

Ann K. Ford  
Thomas E. Zutic  
John M. Nading  
Ashley H. Joyce  
500 8th Street, N.W.  
Washington, D.C. 20004  
Tel. 202-799-4000  
Fax 202-799-5000

*Attorneys for Opposer Nu Mark LLC*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via U.S. First Class Mail, postage prepaid, and properly addressed to Applicant's attorney at the address listed below:

Anthea Lee  
10685B Hazelhurst Dr # 9123  
Houston, Texas 77043-3238

this 11th day of August, 2015.

/s/ Ann K. Ford  
Ann K. Ford  
*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **NOTICE OF FILING** was served via U.S. First Class Mail, postage prepaid, and properly addressed to Applicant's attorney at the address listed below:

Anthea Lee  
10685B Hazelhurst Dr # 9123  
Houston, Texas 77043-3238

this 14th day of August, 2015.

/s/ Ann K. Ford  
Ann K. Ford  
*Attorney for Opposer*